

# ARKANSAS SUPREME COURT

No. CR 07-709

JACQUELYNE VELCOFF  
Appellant

v.

STATE OF ARKANSAS  
Appellee

**Opinion Delivered** January 24, 2008

PRO SE MOTIONS FOR  
APPOINTMENT OF COUNSEL AND  
TO SUPPLEMENT RECORD [CIRCUIT  
COURT OF CLARK COUNTY, CR  
2003-187, HON. JOHN A. THOMAS,  
JUDGE]

MOTION FOR APPOINTMENT OF  
COUNSEL DENIED; MOTION TO  
SUPPLEMENT RECORD DENIED.

## PER CURIAM

In 2005, appellant Jacquelyne Velcoff was found guilty by a jury of twenty counts of rape. She was sentenced to 168 months' imprisonment on each count to be served concurrently. The Arkansas Court of Appeals affirmed. *Velcoff v. State*, CACR 05-950 (Ark. App. Nov. 8, 2006). Subsequently, appellant filed in the trial court a pro se petition for relief under Ark. R. Crim. P. 37.1. The trial court denied the petition, and appellant then sought reconsideration of the denial and appointment of counsel. The trial court denied the motions for reconsideration and appointment of counsel, and appellant has lodged an appeal here from the second order.<sup>1</sup>

Now before us are appellant's pro se motion for appointment of counsel on the appeal and pro se motion to supplement the record. As to the motion for appointment of counsel, this is the

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<sup>1</sup>That order incorporates by reference the first order that denied appellant's Rule 37.1 petition.

second such motion she has filed in this matter. The first motion was denied. *Velcoff v. State*, CR 07-709 (Ark. Nov. 8, 2007) (per curiam). The instant motion itself contains no grounds for relief, but appellant has appended a list of grounds to the motion.

Postconviction matters, such as petitions pursuant to Rule 37.1, are considered civil in nature with respect to the right to counsel, and there is no absolute right to appointment of counsel in civil matters. *See Virgin v. Lockhart*, 288 Ark. 92, 702 S.W.2d 9 (1986) (per curiam). Nevertheless, this court has held that if an appellant makes a substantial showing that she is entitled to relief in a postconviction appeal and that she cannot proceed without counsel, we will appoint counsel. *See Howard v. Lockhart*, 300 Ark. 144, 777 S.W.2d 223 (1989) (per curiam). Here, even if we considered the grounds contained in the attachment to her motion, appellant has not met her burden of establishing that she is entitled to appointment of counsel because no ground demonstrates that the appeal has merit.

In her motion to supplement the record, appellant contends that the record on appeal should include the docket sheet of the court below. The stated basis for its inclusion is to show due process violations, insufficient record-keeping and ineffective assistance of counsel.

In the motion, appellant has not demonstrated that the docket sheet is pertinent to any issue addressed in the argument portion of her brief. To the extent that the docket sheet may be viewed by appellant as proof that trial counsel failed to perfect an appeal from her conviction, this court has previously recognized trial counsel's failure in that regard and allowed appellant's belated appeal to proceed. *Velcoff v. State*, 363 Ark. 454, 214 S.W.3d 860 (2005) (per curiam). Appellant has not established that the docket sheet should be added to the record on appeal.

Motion for appointment of counsel denied; motion to supplement record denied.